

SCHIFF HARDIN LLP  
Eliot S. Jubelirer, CSB #61654  
ejubelirer@schiffhardin.com  
Rocky N. Unruh, CSB #84049  
runruh@schiffhardin.com  
One Market  
Spear Street Tower, Suite 3200  
San Francisco, CA 94105  
Telephone: 415-901-8700  
Facsimile: 415-901-8701

BRADLEY ARANT BOULT CUMMINGS LLP  
E. Mabry Rogers (*pro hac vice* application to be submitted)  
mrogers@babbc.com  
D. Bryan Thomas (*pro hac vice* application to be submitted)  
dbthomas@babbc.com  
One Federal Place  
1819 Fifth Ave.  
North Birmingham, AL 35203  
Telephone: 205-521-8000  
Facsimile: 205-521-8800

Attorneys for Use Plaintiff  
SHARED SYSTEMS TECHNOLOGY, INC.  
(PULLMAN)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA for  
the use and benefit of SHARED  
SYSTEMS TECHNOLOGY, INC.  
(PULLMAN), a corporation,

Plaintiff,

v.

AMEC ENVIRONMENT &  
INFRASTRUCTURE, INC., a  
corporation; and ZURICH AMERICAN  
INSURANCE COMPANY, a  
corporation,

Defendants.

Case No. 3:14-CV-02871-RS

**STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING CASE  
MANAGEMENT CONFERENCE AND  
EXTENDING TIME TO RESPOND TO  
COMPLAINT**

Complaint Filed: June 20, 2014  
Current CMC Date: February 12, 2015

Plaintiff, Shared Systems Technology, Inc. (Pullman) ("SST"), and defendant

AMEC Environment & Infrastructure, Inc. ("AMEC") (collectively, the "Parties"), by and through their undersigned counsel, hereby stipulate to (1) an additional 60-day continuance of the Case Management Conference ("CMC") (and all dates associated therewith), currently set for February 12, 2015, and (2) an additional extension of Defendants' time to respond to the Complaint from January 20, 2015, to and including March 20, 2015.<sup>1</sup> The Parties' stipulation is based on the following facts:

1. SST filed a Complaint to Recover on Payment Bond (Miller Act) ("Complaint") on June 20, 2014. The case was initially assigned to Magistrate Elizabeth LaPorte.

2. The action arises out of a federal construction project to stabilize and repair exterior walls of the cellhouse on Alcatraz Island. SST was a sub-subcontractor on the project; AMEC was the general contractor; and Zurich issued the Miller Act payment bond.

3. SST commenced this action in June to stop the running of the statute of limitations. However, at the time the action was commenced, the parties planned to participate in a multi-party mediation session before mediator, Randall Wulff of Wulff Quinby Sochynsky. After the mediation session before Mr. Wulff, the Parties negotiated basic terms for a settlement that, if finalized, will result in a dismissal of this action.

4. The settlement negotiated by the Parties has taken additional time to finalize and document because it involves a complex liquidation, sharing and pass-through agreement. The settlement is complex because it involves the Contract Disputes Act, the application of relevant FAR provisions, ongoing litigation between AMEC and the subcontractor with which SST contracted, and this pending case under the Miller Act.

5. The Parties and the subcontractor with which SST contracted have

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<sup>1</sup> Defendant, Zurich American Insurance Company ("Zurich"), has been served with the Complaint but has not yet entered an appearance given the ongoing settlement negotiations, in an effort to minimize attorneys' fees. SST has agreed to extend both Defendants' time to respond to the Complaint.

1 continued to negotiate and exchange support for their claims under the Contract  
 2 Disputes Act. The Parties are awaiting final support for one of the claims asserted by the  
 3 subcontractor with which SST contracted. The Parties assure the Court that their  
 4 settlement is still on course, and they expect to finalize a settlement agreement within  
 5 the next 14 days.

6 6. All defendants have been served with the Complaint, and there have been  
 7 three prior stipulations extending their time to respond. Defendants' response was due  
 8 on January 20, 2015, but no response was filed because it appeared the settlement would  
 9 soon be finalized.

10 7. On July 29, 2014, SST filed a declination of assignment to Magistrate  
 11 LaPorte, and the case was thereafter assigned to this Court.

12 8. On July 31, 2014, the Clerk issued a notice setting the initial CMC in this  
 13 Court for October 2, 2014.

14 9. On September 8, 2014, Judge Richard Seeborg entered an Order extending  
 15 Defendants' time to respond to November 21, 2014 and continuing the CMC until  
 16 December 11, 2014.

17 10. On November 18, 2014, Judge Seeborg entered an Order extending  
 18 Defendants' time to respond to January 20, 2015 and continuing the CMC until February  
 19 12, 2015.

20 11. The Parties wish to avoid the time and expense of responding to the  
 21 Complaint, making initial Rule 26 disclosures, engaging in a Rule 26(f) conference, and  
 22 preparing for and attending the CMC, while they finalize and document the settlement  
 23 they have negotiated. This settlement, when finalized and documented, will result in a  
 24 dismissal of this case.

25 12. The Parties, therefore, respectfully request that: (1) Defendants' time to  
 26 respond to the Complaint be extended to and including March 20, 2015; (2) the CMC be  
 27 continued for 60 days, until early April, 2015 on a date convenient to the Court; and (3)  
 28 the dates for filing the Rule 26(f) report, completing initial disclosures, and filing the

1 Joint CMC statement be continued until one week before the new CMC date.

2 Dated: February 2, 2015

Respectfully submitted,

3 SCHIFF HARDIN LLP

4  
5 By: /s/ Rocky N. Unruh

6 Rocky N. Unruh (SBN 84049)  
7 One Market Plaza, Spear Street Tower  
8 32<sup>nd</sup> Floor  
9 San Francisco, CA 94105  
10 Telephone: 415-901-8700  
11 Facsimile: 415-901-8701

12 BRADLEY ARANT BOULT CUMMINGS LLP

13 E. Mabry Rogers (*pro hac vice* application  
14 to be submitted)  
15 mrogers@babco.com  
16 D. Bryan Thomas (*pro hac vice* application  
17 to be submitted)  
18 dbthomas@babco.com  
19 One Federal Place  
20 1819 Fifth Ave.  
21 North Birmingham, AL 35203  
22 Telephone: 205-521-8000  
23 Facsimile: 205-521-8800

24 Attorneys for Plaintiff  
25 SHARED SYSTEMS TECHNOLOGY, INC.  
26 (PULLMAN)  
27  
28

1 Dated: February 2, 2015

KILPATRICK TOWNSEND & STOCKTON  
LLP

4 By: /s/ Holly Gaudreau

Holly Gaudreau (SBN 209114)  
hgaudreau@kilpatricktownsend.com  
Eighth Floor, Two Embarcadero Center  
San Francisco, CA 94111  
Telephone: 415-576-0200  
Facsimile: 415-576-0300

8 Chad V. Theriot (*pro hac vice* application to  
be submitted)

ctheriot@kilpatricktownsend.com  
Elizabeth H. Crabtree (*pro hac vice*  
application to be submitted)  
lcrabtree@kilpatricktownsend.com  
11000 Peachtree Street NE, Suite 2800  
Atlanta, GA 30309-4528  
Telephone: 404-815-6500  
Facsimile: 404-815-6555

14 Attorneys for Defendants  
AMEC ENVIRONMENT &  
INFRASTRUCTURE, INC.

ORDER


Pursuant to the Parties' stipulation and for good cause shown, IT IS HEREBY ORDERED that:

1. Defendants' time to respond to the Complaint shall be extended to and including March 20, 2015;

2. The Case Management Conference shall be continued from February 5, April 9, 2015 2015, until \_\_\_\_\_ at 10:00 a.m.; and

3. All other deadlines associated with the Case Management Conference, including the filing of the Rule 26(f) report, completing initial disclosures, and filing the Joint Case Management Conference statement, shall be continued until one week before the new CMC date. The Parties shall comply with this Court's Standing Order re: Initial Case Management and the Standing Order for All Judges of the Northern District of California re: Contents of Joint Case Management Statements.

Dated: February 3, 2015

  
Richard Seeborg  
United States District Judge

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